



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 24 2016

J. Cary Lester, Environmental Manager
Chaparral (Virginia) Inc.
25801 Hofheimer Way
Petersburg, VA 23803

**Re: Notice of Violation
Compliance Evaluation Inspection
June 22, 2016
EPA ID No. – VAR000013292**

Docket Number: R3-17-NOV-RCRA-4

Dear Mr. Lester,

On June 22, 2016, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Virginia Hazardous Waste Management Regulations ("VAHWMR") 9 VAC 20-60 and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. of Chaparral (Virginia) Inc. ("Chaparral" or Facility"). Based on the inspection and/or review of pertinent information, EPA has determined that Chaparral is in violation of regulations promulgated under VAHWMR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are as follows:

1. The inspector observed that employees within the Facility's quality testing lab were disposing of methanol contaminated rags with non-hazardous waste without making a hazardous waste determination. Per VAC 20-60-262 [40 CFR 262.11(a)-(d)], a person that generates a solid waste is required to determine if that waste is a hazardous waste using the provided method.
2. The inspector observed one open box of universal waste lamps in the "Melt Shop Universal Waste" area. Per 9 VAC 20-60-273 [40 CFR 273.14(d)(1)], universal waste lamps must be stored in a secure, closed container.
3. The inspector observed two unlabeled boxes of universal waste lamps in the "Melt Shop Universal Waste" area. Per 9 VAC 20-60-273 [40 CFR 273.14(e)], universal waste lamps must



*Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474*

be contained in a closed box that is labeled or marked clearly with one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

4. The inspector observed two boxes of universal waste lamps in the "Melt Shop Universal Waste" area and two areas of universal waste batteries storage (one in "Melt Shop Universal Waste" area and one in universal waste storage shed) that did not have start accumulation dates. Per 9 VAC 20-60-273 [40 CFR 273.15(c)], a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated through at least one of the methods listed in the regulation.

Area of Concern

- a. The inspector observed a satellite accumulation container that did not have a legible label due to the accumulation of a black material over the label. Per VAC 20-60-262 [40 CFR 262.34(c)(1)(ii)], a generator accumulating satellite hazardous waste must mark his containers with the words "Hazardous Waste" or with other words that identify the contents of the containers.
- b. The inspector observed that the Facility may not have conducted a weekly hazardous waste accumulation area inspection on the week between 4/1/15 and 4/15/15 through lack of documentation for that given week. Per 9 VAC 20-60-265 [40 CFR 265.174], inspections of hazardous waste accumulation areas must be conducted on an at least weekly basis.

A copy of the inspection report, documenting the findings of the inspector, is enclosed for your information.

Based on these violations, EPA is requesting that **within 20 calendar days from receipt of this NOV** a representative from Chaparral provides a response addressing the violations and areas of concern addressed above. Please provide any necessary documentation to demonstrate that the Facility is no longer in violation of these regulatory requirements.


Section 3008(a) of RCRA authorizes the EPA to take an enforcement action whenever it is determined that any person has violated or is in violation of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in the NOV may be treated as a repeated offense and can constitute a "knowing" violation of Federal Law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to see compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights of defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the

resolution of EPA's enforcement action. EPA has not made a determination as to whether or not the Facility is covered by SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Rebecca Serfass
U.S. Environmental Protection Agency – Region III
RCRA Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, PA 19103
serfass.rebecca@epa.gov
(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date *Oct 24, 2016*

Enclosure

cc: K. Sadtler, VADEQ, w/ enc.

P. Belgiovane, 3LC70, w/o enc.

R. Serfass, 3LC70, w/o enc.